

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WESTERN SECTION

Civil Action No. 3:05-cv-30109-MAP

JOANN PELLETIER,
Plaintiff

vs.

SANDRA T. TALBOT, CHITRA
PUBLICATIONS, CHARIOT
PUBLISHING, INC. As General Partner of
Chitra Publications, CHRISTIANE
MEUNIER, As Officer of Chariot
Publishing, Inc., CHRISTIANE
MEUNIER, As Owner of Chitra
Publications, and CHRISTIANE
MEUNIER d/b/a MOON OVER
MOUNTAIN,
Defendants

**PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Now comes the Plaintiff, JoAnn Pelletier, and moves this Court for a preliminary injunction in accordance with the provisions of the Federal Rules of Civil Procedure, Rule 65(a). Plaintiff respectfully requests that this Court enjoin the Defendants, Sandra T. Talbot, Chitra Publications, Chariot Publishing, Inc. As General Partner of Chitra Publications, Christiane Meunier, As Officer of Chariot Publishing, Inc., Christiane Meunier As Owner of Chitra Publications and Christian Meunier d/b/a/ Moon Over Mountain, their agents, employees, successors, servants, officers, attorneys, principals and/or assignees and each and every one of them from reproducing, distributing, publishing, and/or selling quilts and pictures of quilts bearing Plaintiff's Copyrighted

Design, and from reproducing, distributing, publishing and/or selling instructions for producing Plaintiff's copyrighted design.

Plaintiff further requests that the Defendants, Chitra Publications, Chariot Publishing, Inc., As General Partner of Chitra Publications, Christiane Meunier, As Officer of Chariot Publishing, Inc., Christiane Meunier, As Owner of Chitra Publications and Christian Meunier d/b/a/ Moon Over Mountain produce a list of any and all individuals and entities which purchased any publication bearing Plaintiff's Copyrighted Design and/or instructions for producing the Copyrighted Design, the number of publications purchased by each individual and entity, and the price paid for each publication. The plaintiff also requests that the Defendants notify the purchasers of the publications of the correct identity of the author of the Copyrighted Design and Pattern.

In support thereof, Plaintiff directs this Court's attention to the attached memorandum of law and exhibits. Plaintiff further states that there is a substantial likelihood that she will prevail on the merits of this action at trial. The Defendant Chitra Publications, Inc. failed to respond to the Plaintiff's Original Complaint filed in May 2005 alleging copyright infringement, false designation of origin under the Lanham Act and unfair competition pursuant to M.G.L. Chapter 93A. A default was entered by this court on October 13, 2005. It is well settled within the First Circuit that the allegations in a complaint are accepted as true after entry of default. Hernandez v. Sony, 66 U.S. P.Q. 2nd 1143 (2003) citing Quirindongo Pacheco v. Rolon Morales, 953 F.2d 15, 16 (1st Cir. 1992). Accordingly, Chitra's wrongful acts have already been established.

It is equally certain that Plaintiff will suffer irreparable harm as a result of Chitra's malfeasance. Irreparable harm is presumed once the copyright claim has been

established. Concrete Machinery Co. v. Classic Lawn Ornaments, Inc., 843 F.2d 600, 611 (1st Cir. 1998).

THE PLAINTIFF,
JoAnn Pelletier

/s/ Claire L. Thompson

By _____
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CERTIFICATE OF SERVICE

I, Claire L. Thompson, Esq., do hereby certify that I have caused a copy of the foregoing to be served upon the parties by mailing same first class mail, postage pre-paid, to: Chariot Publishing, Inc. as general partner of Chitra Publications, Inc., Christiane Meunier, as officer of Chariot Publishing, Christiane Meunier as owner of Chitra Publications, Inc. and Christiane Meunier d/b/a Moon Over Mountain at 2 Public Avenue, Montrose, Pennsylvania 18801-1220; Steven M. Coyle, Esq. at Cantor Colburn, LLP, 55 Griffin Road South, Bloomfield, Connecticut 06002.

Dated: March 20, 2006

/s/ Claire L. Thompson

Claire L. Thompson, Esq.